

# GROVE CITY, OHIO COUNCIL MINUTES

May 20, 1991

Regular Meeting

1. The Council of the City of Grove City met in regular session on the 20th day of May, 1991 at 8:00 p.m. in the Council Chambers, City Hall, with the following members present:

*Brian Buzby, Charles Cotton, Earl Nicholson,  
William Buckley, John Mountain*

2. Mr. Nicholson moved to dispense the reading of the minutes and approve as written; seconded by Mr. Mountain.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

3. Councilman Mountain made two presentations. The first was a resolution for Ms. Dee Redman who recently retired as Clerk of Courts for the City. The resolution commended her on her 15+ years of service and wished her well in her retirement. The second was a resolution for Miss Christie Clay who organized a Walk-A-Thon at her elementary school to raise money to purchase shrubs, trees, and flowers for their school grounds. Mr. Mountain commented that he had been there for the Arbor Day Celebration and wanted to congratulate her on a job well done.

4. Chief Jim McKean presented Mr. Brady Clark with a Certificate of Appreciation for aiding an officer in distress and helping to apprehend a criminal without any thought to his own personal safety.

5. Council recessed to committees.

6. Mr. Cotton moved that Ordinance C-34-91 be tabled until the Planning Commission had voted on the Final Development Plan; seconded by Mr. Buckley.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

7. Speaking to Ordinance C-35-91 was Mr. Bird. He indicated that he was very anxious to start on the new section in Indian Trails and was here to answer any questions there may be. Seeing none, Council moved on.

8. Speaking to Ordinance C-40-91, Southwest Boulevard Community Reinvestment Area, were to following speakers:

*Mr. Robert Albright - Attorney for Wal-Mart, stated that they were very eager to go forward with this project and that if this ordinance was passed and in effect immediately, Wal-Mart would start construction as early as two weeks from now. He also noted that there would be approximately \$1,900,00.00 in personal property tax and \$180,000.00 in income tax paid this year.*

Mr. Mike Young - Developer from Pizutti, said that a large development cannot be done without tax abatement. Certainly his own could not have been done without this. In addition, he wanted the people to understand that the developer doesn't see the return on that abatement for years later. There is a large investment up front by the developer. As the Wal-Mart land sits now, there is minimal tax money being received by the City. By giving Wal-Mart a tax abatement on the real estate you really aren't giving anything away. Said the City should be commended for the quality development that has been brought into the City. Feels that giving the tax abatement is the right thing to do for all concerned.

Pam Kreiger - Westgrove Resident, stated that she was not here to argue whether tax abatement is good or bad or if Wal-Mart is good or bad. What we want is consideration of the location of the building. The only reasons given thus far to the residents are time constraints, drainage, utilities, truck layout & wetlands. Feels that moving parts of the facility will not harm the drainage or utility lines. Noted that the Utility Companies had Wal-Mart's plan months before any of the residents got to see it and questioned the reason for this. Feels that it was already a "done deal" before even Planning Commission approved them. As far as the wetlands are concerned, the Army Corps of Engineers say it is only a matter of 60 to 90 days for a permit. The only things left is time and money and feels these concepts speak for themselves. We have given Wal-Mart many concessions. What compromise has Wal-Mart given? None. Asked Council to table this ordinance. Who is running the City, Wal-Mart or Council and Administration? Once this is approved, Wal-Mart will have no reason to listen to the concerns of the residents.

Jan Cannon - Westgrove Resident, Grove City residents still have many unanswered questions regarding Wal-Mart. Feels that Council is concerned about protecting the health, safety and welfare of all citizens in Grove City. Asked that ordinance be tabled until Wal-Mart agrees to make changes in their development plan to lessen the impact on the Westgrove residents. The only reasons given are time and money. Aren't Westgrove residents worth a little of Wal-Mart's time and money? Wouldn't a good corporate neighbor take the time to make the structure right that's going to be here for so many years? If tax abatement is approved, the City will have no bargaining chips left. Please take the extra time to make this distribution center the very best it can be for everyone involved.

Mr. Seavers Jr. - Westgrove Resident, as a teacher in the Southwest City Schools I know the importance of a tax base for the City and the Schools, as a resident of Westgrove it's more important that the quality of life for my children and family remain. All we ask is that time be given so that Wal-Mart can give us the reasons why they won't turn the building around. Please table this until those reasons are given.

Mr. Vaughn Radi - Westgrove Resident, said he couldn't add much to what the other speakers had said, only that there was an obligation and an opportunity to do this the right way. In the past Council has been asked to vote on different aspects of this project without all the information, which is unfortunate. This is the last piece of the puzzle. Let's get the answers before we end this. We are not asking Wal-Mart to leave, only to be considerate of their nearest neighbor. Please table this ordinance until Wal-Mart is willing to cooperate in the development plan.

Mr. Bill Kreager - Westgrove Resident, says it was stated to him by several Councilmen that the biggest mistake through this entire thing was giving a blank check before all the questions were answered. Tonight you are being asked for another blank check. I think its time to sit back and get the answers to all the questions before we sign the final blank check.

Melody Shingler - Westgrove Resident, they were promised a meeting with a Wal-Mart representative to answer their questions and due to airline delays, did not get the opportunity. Only Mr. Albright attended on behalf of Wal-Mart and could not answer the questions we have. It has been made very clear that Wal-Mart will not work with the residents and this was reiterated again by their attorney, Mr. Albright, earlier today when he said Wal-Mart will not move the building, no matter what was said. Asking Council to vote against the tax abatement.

9. Mr. Nicholson moved that Ordinance C-40-91 be amended and declared an emergency; seconded by Mr. Buckley.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes

10. Mr. Cotton moved that Ordinance C-23-91 be brought from the table and added to the agenda; seconded by Mr. Nicholson.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes

11. Mr. Cotton moved that Ordinance C-23-91 be retabled; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

12. Mr. Mountain moved that Ordinance C-32-91 be tabled since it is so closely related to Ordinance C-23-91; seconded by Mr. Nicholson.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

13. Speaking to Council on Ordinance C-36-91, Capital Music Center Special Use Permit, were the following:

Brian Sullivan - wanted to make it clear that he works for a security company that is involved with many production companies and that he does not represent any one production company. Capital Music has had the opportunity to be selective and not choose "trash rock" at their facility. It is obvious that they are not going to change their mind

about bringing these kinds of acts to the Center. For this reason, he urged Council to vote down the Special Use Permit. He indicated that he was very knowledgeable about the music industry and asked Council if they had any questions he could answer. He wanted them to have the facts straight about what occurs.

Steve Bowshier - indicated that he was speaking only as a resident tonight. He did not want to get into free speech, but, we all know what type of free speech Guns & Roses promotes. Feels Capital Music is a benefit for the City and he's not speaking against the entire thing, only the potential problems Guns & Roses will cause. Feels that Council has the opportunity to set some guidelines and a precedence on what type of acts are brought to the Center in the future by stepping in now. If this is denied, Capital Music will see what kind of music Council will allow to come in to the City.

Don Bowman, Youth Pastor in Grove City - has seen the effects of several of these groups that have come into the neighborhoods and want to speak out against several of the groups that Capital Music is entertaining bringing into the City. This type of music does alter the mind of our youth and they are demoralizing to the City. Must look to our future and keep out the types of things that these groups bring with them.

Brian Buzby - Council, quite often, doesn't get the opportunity to voice their opinion on issues, but, wanted them to know that he shares in the concerns. There are groups that he doesn't like and wouldn't go see. He keeps hearing that Council has the opportunity to make a stand and do something about it. There has been mention of the constitution and the first amendment but, you seem to dismiss it. What's being voted on tonight is a Special Use Permit that will this establishment to conduct business in Grove City. To deny the Special Use Permit is to deny that enterprise totally to conduct business. You are asking Council to vote against something in anticipation of these groups violating some law. There are laws already on the books to take care of disorderly conduct, obscenity, etc. Indeed, this Council has created laws with respect to Capital Music to control the acts. He has struggled with this issue for the past two weeks and although there is concern, he is troubled by being asked to deny Capital Music from conducting business altogether.

Steve Bowshier said he was only asking for a delay in the approval of the Special Use Permit. Delaying would give control to approve the acts being scheduled.

Brian Sullivan reminded Council that Grove City is a captive audience and that whatever is brought in, the residents have to listen to it.

A lady from the audience stood up and stated that the community is trying to teach the children to say no to drugs & alcohol. Isn't having groups like this contradictory? Isn't better to say no permit, no business if we can't say who comes here?

Mark Daniels - You are setting the standard now for what type of business is brought in. This group is bad news. In a recent copy of Rolling Stone one of the members admitted to having drug and alcohol problems that was interfering with the group and he has since quit drinking. In Phoenix, AZ, he trashed a hotel & ran naked through the establishment putting himself and many other people in physical damage. Fortunately, he said, he lied his way out of it before the police and emergency crews arrived. Mr. Daniels asked if we wanted another incident like this in our town. He said he did not. He was totally

against this and taking a chance of something like this happening.

14. Mr. Buckley moved that the Minutes of the Advisory Committee of Capital Music Center be made a permanent part of this evenings Council Minutes; seconded by Mr. Nicholson.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

15. Mr. Mountain asked if there was anyone from the Advisory Committee that wished to make a statement. Mr. Ferguson stated that Council has the opportunity in February to pass other ordinances and did not. He didn't feel sorry for Council tonight.

Mr. Pat McCulley, Attorney representing Capital Music Center - wanted Council and residents to know he was there and would be happy to answer any questions they may have of him.

Chris Fulton, Safety Director - each concert has special needs and have sat down with Capital Music Center to devise traffic and safety plans. Not going to argue which acts should or shouldn't be there. Each person has their own musical taste. However, the legislation that was passed earlier in the year gives him the right to have as many people on our staff as we feel is needed. He is satisfied that there is a good traffic and safety plan in effect as well as a method by which complaints can be made and we are ready to begin this seasons concerts without getting into which are good or bad. All problems, if any, will be dealt with as they arise.

Mark Daniels responded by saying that the fact of the matter is the consistency in what we tell our youth. Having these types of groups is contradictory.

Toni Cardos stated she was a student. She has seen friends and other students hurt because of what type of people are in these bands. Asked if it was going to take a concert like this to see what kind of people they are before we do something about it? Wanted Council to know that she was totally against this.

16. Mr. Buckley moved that Ordinance C-31-91 be added to the agenda; seconded by Mr. Nicholson.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes

17. Mr. Buzby moved that Ordinance C-46-91 be added to the agenda; seconded by Mr. Nicholson.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes

18. New Business brought before Council consisted of:

*Mr. Kirk Hickman* - lives on Tamarack Avenue and asked that something be done about the construction debris in and around the ditch that runs behind the houses on Tamarack Avenue. Mr. Nicholson stated that the proper department would be notified.

19. Council recessed at 9:30 p.m.

20. Council reconvened at 9:40 p.m.

21. Mr. Cotton moved that Ordinance C-35-91 be amended and declared an emergency measure; seconded by Mr. Nicholson.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

22. Ordinance C-35-91 (accept plat for Indian Trails, Sec. 6) was given its reading and public hearing and Mr. Cotton moved it be approved as amended; seconded by Mr. Nicholson.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

23. Ordinance C-40-01 (establish & describe boundaries of SW Blvd. Comm. Reinvest. Area) was given its second reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Nicholson.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

24. Ordinance C-41-91 (approve rezoning of 3455 Grove City Road from CBD to SD-1) was given its first reading. Second reading and public hearing will be held on June 17, 1991.

25. Ordinance C-36-91 (approve special use permit for Capital Music Center) was given its second hearing and public hearing and Mr. Mountain moved it be approved; seconded by Mr. Nicholson.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes

26. Resolution CR-28-91 (commend Dee Redman and wish her well) was given its reading and Mr. Mountain moved it be approved; seconded by Mr. Nicholson.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes

27. Resolution CR-29-91 (commend Christi Clay on Highland Park Walk-A-Thon) was given its reading and Mr. Mountain moved it be approved; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

28. Ordinance C-33-91 (amend Chapter 15 entitled Fire Prevention) was given its second reading and public hearing and Mr. Buckley moved it be approved; seconded by Mr. Cotton.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

29. Ordinance C-31-91 (amend Sec. 1135.09(b) entitled Zoning Districts & Regulations) was given its first reading. Second reading and public hearing will be held on June 03, 1991.

30. Ordinance C-37-91 (repeal C-73-90 & levying special assessment for improve. by constructing an extension to Kathryn Dr) was given its second reading and public hearing and Mr. Buzby moved it be approved; seconded by Mr. Nicholson.

Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes

31. Ordinance C-38-91 (repeal C-72-90 & levying special assessment for improve. by constructing a connector road btw. Marlane & Kathryn Pl) was given its second reading and public hearing and Mr. Buzby moved it be approved; seconded by Mr. Nicholson.

Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes

32. Ordinance C-42-91 (appro. \$1,822.50 from Comm. Dev. Fund for Current Expenses) was given its first reading and since it appropriates for current expenses, Mr. Buzby moved it be approved; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes

33. Ordinance C-43-91 (appro. \$49,420 from \$5 License Fund for Current Expense of Road Resurfacing) was given its first reading and since it appropriates for current expenses, Mr. Buzby moved it be approved; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes

34. Ordinance C-44-91 (author. Admin. Asst. to enter into joint agree. for Engin. Svcs to extend Justus Rd & appro. \$2,500 from Street Fund) was given its first reading. Second reading and public hearing will be held on June 03, 1991.

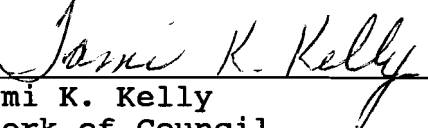
35. Ordinance C-45-91 (amend Exhibit A of Ord. C-116-90 to correspond to City Object Code) was given its first reading. Second reading and public hearing will be held on June 03, 1991.

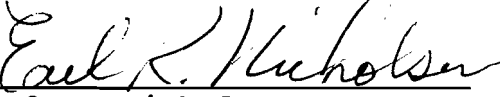
36. Ordinance C-46-91 (appro. \$28,200 from Rec. Dev. Fund for Current Expenses) was given its first reading and since it appropriates for current expenses, Mr. Buzby moved it be approved; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Cotton	Yes
Mr. Nicholson	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

37. After comments from the Council and Administration, a motion was made to adjourn. Motion carried.

38. Council adjourned at 9:45 p.m.

  
 Tami K. Kelly  
 Clerk of Council

  
 Earl R. Nicholson  
 President of Council



CAPITAL MUSIC CENTER ADVISORY COMMITTEE  
MINUTES: MEETING MAY 1, 1991

PRESENT: Lou Altomare; Gary Bova; Stacy Hasson; Kim Ogg; Gregg Skinner; Buz Ward; Don Washburn; John Harig; Marc Mercurio; Joe Nieman.

7:00 PM Meeting began with introductions of members present: John Harig, General Manager Capital Music Center; Marc Mercurio Marketing Director Capital Music Center; Joe Nieman, Operations Manager Capital Music Center. Kim Ogg, West Grove resident; Stacy Hasson, Park Street resident; Gary Bova, West Grove resident; Buz Ward, owner of Memories, Lou Altomare, Dentist and Grove City resident; Don Washburn West Grove resident; Gregg Skinner, owner of Roxainne's Flowers and resident. John Harig said that Bill Ferguson will not be a part of the committee as is running for city council. A replacement will be selected.

John Harig reviewed new layout of Capital Music Center theater showing re-configuration and explained how sound is directed to stay within the theater. The curtain/drape for the grandstand was discussed and how it would deaden sound and bass when the sound hit it. It was mentioned that the drape is 50% fullness which adds to the denseness. It was pointed out how the furthest points out in the theater are some 100 feet closer this year. John mentioned that trees and mounting are being built. John also mentioned how a screen would be erected for shows selling fewer than 6000 seats to create a more intimate atmosphere. Marc pointed out how most people overlook the fact that 100% of Capital's seats are reserved whereas other outdoor theaters have limited pavilion seating and their shows appear to have sold better because people are spread out in the lawn areas and the reserved seats are all full.

Lou Altomare stated he anticipated the changes would please residents and asked what the guidelines of the group would be. He discussed that there has been an excessive amount of negative publicity reflected in the media, especially the Dispatch and TV not only with Capital Music Center but with Wal Mart. He feels the people of West Grove have created this problem. He commented that nothing positive is ever mentioned and feels the committee and residents need to have a commitment to work on improving the image of Grove City as it is hurting real estate values, Grove City as a whole and Capital Music Center.

Buz Ward stated we should keep negatives within the committee and not in the paper. Everyone was in agreement. Lou said members need to carry this message to the community.

PAGE 2 MINUTES ADVISORY COMMITTEE

After discussion it was decided that the committee would approach Capital Music Center with concerns; individual members will allow their names released to the local press to be available for residents to contact them concerning issues of Capital Music Center. Capital Music Center will work with the committee to keep a harmonious relationship with the residents of Grove City.

Gary Bova expressed concerns of noise issues and suggested that committee members let Capital know the problems and Capital will let members know of solutions that will be implemented.

Greg Skinner said we should give Capital a "fair shake" as they are working hard to please the residents.

Gary Bova stated he is pleased that Capital Music Center has made the changes they had and is anxious to see the results. All committee members agreed that Capital has responded well to the community and that they were pleased at Capital's willingness to meet with the committee and work with the community.

Buz Ward said people have to have patience. A committee can't change the world and we're not going to be able to answer to everyone, we should just address the hard core concerns and make head way.

Don Washburn asked if artists are made aware of decibel level before performing.

John Harig said it is in the artists contract and gone over in pre-planning for the concert and then again the day of the show.

The scheduled concert of Guns N' Roses was then discussed. Committee members expressed concern about the show being so early in the season. Lou pointed out the concern isn't about the content of the show or the people in attendance it is the noise/sound level. Marc Mercurio pointed out the group is a multi-platinum selling artist and we are fortunate to have the show. The group is performing limited shows and by the time their next tour is available they will probably be too big to play Capital.

PAGE 3 MINUTES ADVISORY COMMITTEE

Kim suggested that we announce that parking is included in the price of the ticket in a press release anticipating that will discourage people from parking on the street.

Stacy Hasson said of all the parking last year she had no problem with beer cans or rowdy individuals. She said the only crowd that was noisy was after the Bad Company show. John Harig pointed out the group would not be at Capital this year but that they were at Riverbend.

The issue of traffic control was discussed. John Harig pointed out that at the end of the season last year a lot of changes were made to improve the flow and that Capital is currently implementing additional changes. He said when 7,000 seats are sold signs will change on Southwest making it a one way street. Additional police officers will be used directing traffic. After the shows all traffic will be directed to the main gate and Demerest Road. Even employees will leave through these exits. John stated that in the event of litter, crews will be out the following morning to clean it up and for sellouts crews would be out the night of the show.

Gary Bova said he would like to see the new layout and systems that have been implemented before the first show, as he has been to sound related seminars and is aware how things being employed work.

John agreed that would be a good idea and the committee will meet before the first show and tour the facility. John will look in to the date and contact members.

Members were extended an invitation to attend next Monday's city council meeting to represent the positive efforts of the committee and Capital. Capital will be on the agenda for their special permit and since the announcement of Guns N' Roses it has been implied that the permit may not be granted. Members were concerned that the city would deny the permit just because of one concert, and agreed to try to attend the meeting.

A discussion was had about the committee being a perfect premise to solve the concerns of residents. Everyone was optimistic about how the changes made at Capital will have a positive effect on the concerns of the residents. In addition to the meeting before the first show, members wanted to meet after the first show to discuss any concerns.

John Harig will get back with members on date for next meeting.

8:30 MEETING CONCLUDED